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October 16, 2007

Brigadier General Gregg F. Martin  
US Army Corps of Engineers  
Northwestern Division  
PO Box 2870  
Portland, Oregon 97208-2870

Re: *2008 Spring Rise*

Dear General Martin:

We request the Corps to suspend plans for a spring rise in 2008 as called for by the draft Annual Operating Plan for the Missouri River. The uncertainty of weather forecasting and the existence of still damaged levees from last year's floods make any spring rise in 2008 too dangerous to the lives and livelihoods of Missouri citizens.

Although the Master Manual purports to provide safeguards against a spring rise contributing to a flood, this year proved that those safeguards are insufficient. Missouri's analysis indicates that the conditions for allowing a spring rise existed on May 4 and May 5 of 2007. The National Weather Service ("NWS") forecast on those days indicated that downstream flows were and would remain well within the Master Manual restrictions. The only thing that prevented a spring rise from occurring on those days was the fact that the reservoirs did not have sufficient storage due to the continuing drought conditions.

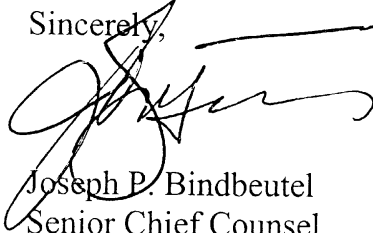
On May 6, however, the NWS dramatically changed its forecast. On May 9, the levees broke and a number of Missouri farmers and families suffered the consequences. Had the Corps commenced a spring rise on May 4 or 5, the devastation could have been much worse.

At least 40 levees on the river still need to be repaired. It would be reckless to undertake a spring rise under existing conditions.

Finally, as you know, the Corps' decision to adopt the spring rise without complying with the National Environmental Policy Act is currently being considered by the United States Court of Appeals for the Eighth Circuit. In light of the increased risk of flooding described above, the Corps should allow the court to decide this matter before committing to a spring rise under the current inadequate flood control protections.

We request that the Corps amend the draft Annual Operating Plan to indicate that the Corps will not do a spring rise in 2008 to allow time for a full analysis of what additional flood control restrictions are required to protect Missouri citizens; for all damaged levees to be repaired; and for the court to rule.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Bindbeutel", is written over the typed name.

Joseph P. Bindbeutel  
Senior Chief Counsel

Agriculture and Environment Division

c: Larry Cieslik